

PATENT
ROC920010202US1**REMARKS**

- Claims 1 to 4, 8, 13 to 16, 20, 21, 23, and 24 have been canceled herein
- Claims 5, 6, 7, 9, 17, 19 and 22 have been amended herein
- Claim 25 has been newly added herein
- Claims 5 to 7, 9 to 12, 17 to 19, and 22 will remain pending in this application with new Claim 25 having been added herein
- Claims 5, 22, and 25 will be the only pending independent claims upon entry of this preliminary amendment

ALLOWABLE SUBJECT MATTER

The Applicants thank the Examiner for indicating that dependent Claim 10 includes allowable subject matter. New Claim 25 has been added and includes the features of original Claim 10 and original Claim 9 from which Claim 10 depends.

SECTION 103 REJECTIONS

Claims 5, 8, 13, 16, 22, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,481,251 to Meier et al. (hereinafter "Meier") in view of U.S. Patent No. 7,027,394 to Gupta et al. (hereinafter "Gupta"). Regarding the rejection of claims 8, 13, 16, and 24, the Applicants have canceled these claims, thereby rendering the rejection of these claims moot.

The Applicants submit that neither Naven nor Gupta, either singularly or in combination, disclose or suggest all the features recited in amended Claim 5. More specifically, Claim 5 as amended recites a method of dequeuing a flow from a scheduling queue which includes,

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among other features, "determining if the empty indicator is set to empty," "searching the scheduling queue if the empty indicator indicates that a flow is associated with the scheduling queue," "determining if the scheduling queue is empty based on the search," "setting the empty indicator to empty if the search determines that the scheduling queue is empty," and "detaching the flow associated with the scheduling queue wherein the flow is found when the scheduling queue is searched." These amended steps clarify that Applicants' invention is not merely "empty indicators" or the use of empty indicators (as is well known and disclosed in the relied upon references), but rather an algorithm used to set and clear the indicator as well as the actions taken based on the indicator's value. Close review of the references indicate that neither Applicants' recited algorithm, nor the recited actions taken in response to the indicator's value as determined using the algorithm as recited, are disclosed or suggested, either singularly or in combination, by the relied upon references. Absent such teaching or suggestion by the references and particularly in light of the amended language highlighting the unobvious features discussed above, Applicants respectfully request withdrawal of the Section 103 rejection of Claim 5.

Likewise, Claim 22 has been amended to recite a computer program product adapted to dequeue a flow comprising, among other features, a medium readable by a computer adapted to search a "scheduling queue if the empty indicator indicates that a flow is associated with the scheduling queue," "determine if the scheduling queue is empty based on the search," "set the empty indicator to empty if the search determines that the scheduling queue is

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empty," and "detach the flow associated with the scheduling queue wherein the flow is found when the scheduling queue is searched." The Applicants submit that none of the references, either singularly or in combination, disclose or suggest all these features. Therefore, Applicants assert that Claim 22 as amended is patentable over the cited references and respectfully request that the rejection be withdrawn.

Claims 9, 11, 12, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,810,043 to Naven et al., (hereinafter "Naven") in view of Gupta. With regards to claim 23, this claim has been canceled, thereby rendering the rejection of this claim moot.

Applicants assert that Claim 9 as amended is patentable over Naven in view of Gupta. Claim 9 has been amended to depend from Claim 5. The Applicants submit that neither Naven nor Gupta, either singularly or in combination, disclose or suggest all the features recited in amended Claim 5. More specifically, Claim 5 as amended recites a method of dequeuing a flow from a scheduling queue which includes, among other features, "determining if the empty indicator is set to empty," "searching the scheduling queue if the empty indicator indicates that a flow is associated with the scheduling queue," "determining if the scheduling queue is empty based on the search," "setting the empty indicator to empty if the search determines that the scheduling queue is empty," and "detaching the flow associated with the scheduling queue wherein the flow is found when the scheduling queue is searched." The Applicants submit that the cited references do not disclose or suggest, either singularly or in

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combination, these features. Therefore, Claim 9 is patentable over the cited references and the Applicants respectfully request that the rejection be withdrawn.

Claims 1 to 4, 19, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Applicants' Related Art (hereinafter "the ARA") in view of *Meier* and further in view of *Gupta*. Claims 1 to 4 and 21 have been canceled, thereby rendering the rejection of these claims moot.

Claim 19 has been amended to recite a scheduler adapted to search a "scheduling queue if the empty indicator indicates that a flow is associated with the scheduling queue," "determine if the scheduling queue is empty based on the search," "set the empty indicator to empty if the search determines that the scheduling queue is empty," and "detach the flow associated with the scheduling queue wherein the flow is found when the scheduling queue is searched." As previously discussed neither *Meier* nor *Gupta*, either singularly or in combination, disclose or suggest these features. Moreover, the ARA does not disclose or suggest these features. Therefore, Claim 19 is patentable over the cited references and the Applicants respectfully request that the rejection be withdrawn.

Claims 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Meier* in view of *Gupta* as applied to Claim 13 and further in view of *Naven*. The Applicants respectfully submit that Claim 17 as amended and Claim 18 are patentable over the cited references.

The Applicants have amended Claim 17 (and thus effectively the dependent Claim 18) to depend from amended Claim 5. The Applicants submit that Claim 5 is patentable over the cited references. As previously discussed, Claim

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5 is patentable over *Naven* and *Gupta*. Moreover, *Meier* does not address the previously noted shortcomings of either *Naven* or *Gupta*. Therefore, by way of their dependency on Claim 5, claims 17 and 18 are patentable over the cited references and the Applicants respectfully request that the rejection be withdrawn.

Claims 6 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Meier* in view of *Gupta* as applied to Claims 5 and 13 above and further in view of "Estimating Clock Speeds for ATMSWITCH Architecture" by *Lyons et al.* (hereinafter "*Lyons*"). Claim 14 has been canceled thereby rendering the rejection of this claim moot.

Claim 6 depends from amended Claim 5. As discussed above, Claim 5 includes features not disclosed or suggested, either singularly or in combination, in either *Meier* or *Gupta*. In addition, *Lyons* does not overcome the previously noted shortcomings of both *Meier* and *Gupta*. Thus, Applicants assert Claim 6 is patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claims 7 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Meier* in view of *Gupta* as applied to Claims 5 and 13 and further in view of *Naven*. As noted above, claim 15 has been canceled, thereby rendering the rejection of this claim moot.

Claim 7 depends from amended Claim 5. As indicated above, none of the cited references, either singularly or in combination, disclose or suggest all the features recited in Claim 5. As such, Claim 7 is patentable over the cited references and the Applicants request that the rejection be withdrawn.

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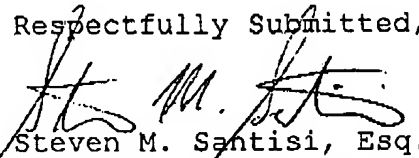
Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the ARA in view of Meier in view of Naven and in view of Gupta. As noted above, Claim 20 has been canceled. Accordingly, the rejection of this claim is now moot.

CONCLUSION

The Applicants believe all the claims are in condition for allowance, and respectfully request reconsideration and allowance of the same.

A Request for Extension of Time is enclosed herewith, with authorization to charge any extension fee to Deposit Account No. 09-0465. The Applicants do not believe any other Request for Extension of Time is required but if it is, please accept this paragraph as an additional Request for Extension of Time and authorization to charge the requisite extension fee to Deposit Account No. 09-0465. The Applicants do not believe any other fees are due regarding this amendment. If any other fees are required, however, please charge Deposit Account No. 09-0465. The Applicant encourages the Examiner to telephone Applicant's attorney should any issues remain.

Respectfully Submitted,


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